

Message Text

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PAGE 01 BUCAR 04119 141451Z
ACTION EUR-12

INFO OCT-01 ISO-00 L-03 EB-08 TRSE-00 CPR-02 SSO-00
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-----053101 141457Z /50

O 131415Z JUN 78
FM AMEMBASSY BUCHAREST
TO SECSTATE WASHDC IMMEDIATE 0084

C O N F I D E N T I A L BUCHAREST 4119

EO 11652: GDS
TAGS: CPRS, EFIN, RO
SUBJECT: DECREE 223 PROPERTY CASES: DRAFT DIPLOMATIC NOTE

REF: STATE 150131

1. EMBASSY AGREES IT WOULD BE USEFUL TO MAINTAIN
MOMENTUM ESTABLISHED IN CONVERSATIONS HERE AND IN
WASHINGTON ON DECREE 223 PROPERTY CASES BY DELIVERING
NOTE ALONG LINES SET FORTH IN REFTEL. AMBASSADOR'S
AND EMBASSY'S RECENT TALKS WITH ROMANIAN OFFICIALS
FROM FINMIN NICULESCU DOWN HAVE UNDERLINED GOR'S
COMMITMENT TO POSITIVE SOLUTION OF THIS PROBLEM, AND
IT IS OUR IMPRESSION THAT GOR IS AWARE OF IMPORTANCE
WE ATTACH TO SUCH SOLUTION AND ATTEMPTING TO FIND
ONE. BY BRINGING GSP LINK TO GOR'S ATTENTION AT
THIS POINT, NOTE SHOULD GIVE HELPFUL ADDED IMPETUS
TO THIS EFFORT.

2. IN EMBASSY'S JUDGMENT, NOTE WOULD ACHIEVE MAXIMUM
IMPACT IF DEPARTMENT WERE TO CONSIDER AND APPROVE
CERTAIN ALTERATIONS IN DRAFT TEXT SET FORTH PARAS 6
AND 8 REFTEL.

3. RE PARA 6, SEARCH FOR POSITIVE SOLUTIONS IS
UNFORTUNATELY WRAPPED AROUND CERTAIN QUESTIONS OF
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PRINCIPLE FOR GOR, AND WE BELIEVE IT WOULD BE
COUNTERPRODUCTIVE TO CITE SPECIFIC CONVERSATIONS
WITH SENIOR OFFICIALS IN SUPPORT OF OUR CASE, AND MOST
PRODUCTIVE TO MAKE OUR POINT BY GENERALIZED REFERENCE.
ROMANIANS ARE WELL AWARE AT THIS POINT OF COMMITMENTS
UNDERTAKEN IN THESE CONVERSATIONS, BUT NONE HAVE BEEN
COMMITTED TO PAPER; DEPUTY FOREIGN MINISTER PATAN HAS

MOVED ON TO OTHER WORK AND FUNCTIONS IN GOR NOT DIRECTLY RELATED TO U.S.-GOR RELATIONS (SO THAT STATEMENTS BY HIM, IF CITED, ARE SUBJECT TO DISAVOWAL); AND PRESIDENTIAL COMMITMENT IS SO VAGUE AS NOT TO MERIT CITATION IN DIPLOMATIC NOTE. FOR PURPOSE OF THIS NOTE, IT SHOULD THUS BE SUFFICIENT, IN OUR VIEW, TO RECALL FACT OF COMMITMENTS. THEREFORE, WE WOULD PROPOSE REDRAFT OF PARA 6 AS FOLLOWS: BEGIN TEXT. THE UNITED STATES GOVERNMENT HAS BEEN ENCOURAGED BY THE REPEATED ASSURANCES RECEIVED IN RECENT YEARS FROM SENIOR OFFICIALS OF THE SOCIALIST REPUBLIC OF ROMANIA THAT A POSITIVE SOLUTION TO THE PROBLEM WOULD BE FOUND WHICH WOULD BE CONSISTENT WITH THE LAWS OF THE TWO COUNTRIES AND CONSONANT WITH THE REQUIREMENTS AND PRACTICES OF INTERNATIONAL LAW AND THE GOOD RELATIONS WE ENJOY. FOR THIS REASON, THE UNITED STATES EMBASSY HAS CONTINUED TO SEEK SOLUTIONS ON A CASE-BY-CASE BASIS TO PROBLEMS POSED BY INDIVIDUAL CLAIMS. ALTHOUGH THIS APPROACH HAS NOT YET YIELDED SATISFACTORY RESULTS, WE BELIEVE BOTH GOVERNMENTS HAVE A STRONG INTEREST IN PURPOSEFUL CONTINUATION OF THESE EFFORTS. END TEXT.

4. RE PARA 8, IT SEEMS TO US POINT WOULD BE MOST EFFECTIVELY MADE IF COUCHED IN CONFIDENT TERMS WHICH ASSUME, AGAIN, MORE STRENUOUS GOOD-FAITH CONFIDENTIAL

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EFFORTS FROM GOR. ACCORDINGLY, WE SUGGEST FOLLOWING REVISION. BEGIN TEXT. THE GOVERNMENT OF THE UNITED STATES IS OF THE OPINION THAT THE ASSURANCES OF CONCERN AND GOOD WILL ON THE PART OF REPRESENTATIVES OF THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA, IN KEEPING WITH THE SPIRIT OF COOPERATION WHICH EXISTS BETWEEN OUR TWO GOVERNMENTS, SHOULD PROVIDE AN APPROPRIATE AND SUFFICIENT BASIS FOR EARLY RESOLUTION OF CLAIMS OF UNITED STATES NATIONALS FOR THE APPROPRIATION OF PROPERTY UNDER THE TERMS OF DECREE 223/1974. IF THE GOVERNMENT OF THE SOCIALIST REPUBLIC OF ROMANIA SHARES THIS VIEW, IT WOULD NOT APPEAR NECESSARY AT THIS TIME TO RECONSIDER THE CONTINUED ELIGIBILITY OF THE SOCIALIST REPUBLIC OF ROMANIA FOR THE BENEFITS OF THE GENERALIZED SYSTEM OF PREFERENCES, IN LIGHT OF THE ABOVE-NOTED REQUIREMENTS OF INTERNATIONAL LAW AND THE TRADE ACT OF 1974. END TEXT.

5. ADVISE.
AGGREY

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NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: FOREIGN RELATIONS, TEXT, DIPLOMATIC NOTES
Control Number: n/a
Copy: SINGLE
Draft Date: 13 jun 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978BUCHAR04119
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D780248-0704
Format: TEL
From: BUCHAREST
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t19780667/aaaacfkkel
Line Count: 114
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: da6d498a-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 STATE 150131
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 27 apr 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 2380087
Secure: OPEN
Status: NATIVE
Subject: DECREE 223 PROPERTY CASES: DRAFT DIPLOMATIC NOTE
TAGS: CPRS, EFIN, RO, US, GE
To: STATE
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/da6d498a-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014